IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 543 OF 2006

Mahesh Appaso Deshmukh..... .. Applicant.

Versus

The State of Maharashtra. .... Respondent.

Mr. Maheen Pradhan with Mr. S. D. Khot
for the Applicant.

Ms. S. D. Shinde, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 23RD FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicants and the learned APP for the State.

2. The Applicant is seeking relaxation of the condition imposed by this Court by order dated 11th October, 2005 whereby the Applicant was directed not to enter the jurisdiction of Atpadi Village till the conclusion of the trial. Learned Counsel for the Applicant submits that more than six months have elapsed since the said condition was imposed and that he intends to get married at Atpadi Village and his

marriage is fixed on 25th February, 2006. He submits that his mother is old and ailing and there is no other person to look after her. The learned APP has opposed the submissions made by the learned Counsel for the Applicant. It is submitted that this condition was imposed on account of the rivalry between the two groups in the village. Learned APP has submitted that if the Applicant enters the jurisdiction of Atpadi Police Station, there is possibility of there being breach of peace and there is every likelihood of the Applicant tampering with the evidence. Considering the facts and the circumstances of the case, in my view the condition imposed by this Court by order dated 11th October, 2005 in Criminal Application No. 6595 of 2005 is liable to be modified.

3. The Applicant is alleged to have committed offence punishable under Sections 143, 147, 148, 307 and 506 read with 149 of the Indian Penal Code. It is alleged that the Co-Accused threatened the Complainant with a revolver and the Applicant assaulted the Complainant with his sword. Considering the nature of the offence and the fact that more than one year has elapsed since the commission of the offence, in my view the

condition is liable to be relaxed.

4. In the result, the order dated 11th October, 2005 is modified. The Applicant is permitted to enter the Village Atpadi. He shall, however, report of the Atpadi Police Station once in a week. The other conditions which are imposed by this Court are not modified. If any complaint is received by the Investigating Officer from any of the witnesses and if any attempt is made to tamper with the evidence by the Applicant, liberty is granted to the learned APP to apply for cancellation of bail.

5. With this condition, the earlier order is modified accordingly. The Application is disposed of in terms aforesaid.

Sd/-

(V. M. KANADE, J.)